UNITED
NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/47/115
S/23680
4 March 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Items 30 and 35 of the preliminary
list*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-seventh year

LETTER DATED 4 MARCH 1992 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, I wish to bring to your attention the attached text of the document presented by the Palestinian Delegation (Palestinian side of the joint Palestinian-Jordanian Delegation), to the Israeli Delegation on 3 March 1992, during the current round of negotiations in Washington, D.C. (see annex).

I would be grateful that this letter and the annexed text be circulated as an official document of the General Assembly, under items 30 and 35 of the preliminary list, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of
Palestine to the United Nations

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ANNEX

Document presented by the Palestinian side of the Joint Jordanian-Palestinian Delegation to the Israeli Delegation at Washington, D.C., on 3 March 1992

The Palestinian delegation presented, on January 14th 1992, an outline of the model for Palestinian Interim Self-Governing Authority (P.I.S.G.A.), as part of interim arrangements for self-government. That outline is based on free elections under international supervision, and entails the orderly transfer of the powers and responsibilities at present exercised by the Israeli military and/or other Israeli authorities in the Occupied Palestinian Territory (OPT), including Jerusalem, to the PISGA.

The establishment of PISGA would create a new authority based on the will of the people, and would provide a framework under which the Palestinians in the OPT, along with the Palestinians in exile, will be able to participate, on an equal footing, in all negotiations leading to the permanent solution of the Palestinian question in all its aspects.

The objective of the negotiations at this stage is to establish a Palestinian Self-Governing Authority as part of the interim arrangements for a transitional period. These proceedings must enable the Palestinian People to gain control over political, economic and other decisions that affect their lives and fate.

The acceptance, by the Palestinian People, of interim self-government arrangements does not in any way prejudice the exercise of their legitimate right to self-determination as embodied in the United Nations Charter and in the United Nations resolutions affirming the inalienable rights of the Palestinian people. The General Assembly of the United Nations, by resolution 181 (1947) of 1947, has consecrated the right of the Palestinian people to self-determination and statehood, and has affirmed the legal foundation of the independent Arab State of Palestine.

The Palestinian people is resolved to establish its own independent state. However, and after the conclusion of final status negotiations, the Independent State of Palestine, established alongside the State of Israel, would opt for a confederal relationship with Jordan.

The Letter of Invitation to the present negotiations states that these should take place on the basis of resolutions 242 (1967) and 338 (1973), which affirm the inadmissibility of acquisition of territory by war and are the basis of the principle of the exchange of "Territory for Peace", and which demands a total Israeli withdrawal from the territories occupied in 1967.

Security Council resolution 242 (1967) also calls, inter alia, for achieving a just solution of the refugee problem, on the basis of General Assembly resolution 194, which recognizes the right of the Palestinian refugees to return to their homeland.

We also call your attention to the fact that the government of Israel and its armed forces are bound by the IVth Geneva Convention of 1949, as well as by the Hague Regulations of 1907, which are applicable to the OPT. United Nations Security Council resolution 726, reaffirms that the IVth Geneva Convention is applicable to the totality of the Occupied Palestinian Territory, including Jerusalem. Practices proscribed under the Geneva Conventions, particularly settlement activities, shall be halted immediately, and the consequences of earlier violations should be reversed.

In accordance with the above, the Palestinian delegation is willing to put forward concrete and workable proposals. At this stage, however, and while Israeli illegal practices impede our engagement in substantive negotiations, we would like to recall the basic assumptions underlying our participation in the process.

I

Throughout the centuries, Palestine has been the cradle where our people's identity was shaped, the homeland of its collective soul. The attachment of the people of Palestine to the land of Palestine is a permanent feature of their ancient as well as contemporary history.

All the successive wars and occupations that have befallen our people in the course of this century have not been able to erode this attachment. The Palestinian people have struggled, and will continue to struggle for freedom on the soil of their homeland until they achieve their inalienable national rights, in accordance with international legality.

In this context, it is necessary to reaffirm that Jerusalem is an integral part of the OPT, and that all transitional arrangements are applicable to it. Its annexation, as well as the artificial extension of its municipal boundaries, are illegal unilateral acts. As such they are null and void, and therefore should be reversed. Jerusalem is also a universal symbol and a repository of cultural creativity, spiritual enrichment and religious tolerance, in tune with the long-standing traditions of openness and generosity which have characterized our Palestinian people throughout its long history. Jerusalem lies at the heart of our people's aspirations, and we are committed to make it the capital of our future independent state.

The fact that the six million Palestinians, albeit physically torn between occupation and exile, constitute one single people is another basic element of our approach to peace. Their rights as a people must be respected.

Our people, inside and outside the OPT, including Jerusalem, have one sole leadership. Thus our very presence here, in conformity with the Palestinian Peace initiative of November 1988 and other relevant PNC resolutions, derives from the unity of our national decision, and the unity of our representation, which must be recognized in the course of the negotiating process.

II

The Palestinian delegation is now presenting an expanded outline of the Palestinian Interim Self-Government Arrangements: concepts, outline, preliminary measures and elections modalities, which is based on the following:

1. Interim Self-Government Arrangements are by definition transitional. The transitional period must lead, through a phased negotiated process, to the full exercise of the legitimate rights of the Palestinian people. The success of such a process and the attainment of peace can only materialize if the Palestinian Interim Self-Governing Authority (PISGA) fully assumes powers and responsibilities throughout the OPT, including Jerusalem.

2. The Palestinians in the O.P.T., including Jerusalem, have the right and the wish to govern themselves according to democratic principles, through free elections. The PISGA should be an embodiment of the principle of democratic government - "By the People, of the People, for the People."

We have entered and remained in this process of bilateral negotiations with open hearts, open minds and sincere intentions in order to achieve a just and comprehensive settlement.

The Palestinian delegation, expressing the will of the Palestinian people inside and outside the OPT, emphasizes once again that the only way to pursue negotiations and engage them on the path of progress is a commitment, on the part of Israel - the occupying power - to abide by the provisions of international law and to implement, de jure, the IVth Geneva convention, thus bringing an immediate halt to all forms of settlement activities. The continuation of these activities does not only impede our engagement into the following phases of negotiation on interim agreements. It also threatens to destroy the peace-process as a whole.

The Palestinian delegation hereby presents its full vision of the interim arrangements on the way to peace, including the holding of free elections based on universal suffrage and conducted by secret ballot, under international supervision, to provide the Palestinians in the OPT, including Jerusalem, with the democratic modalities, structures and institutions needed for the free exercise of their political will. It however considers peace as a global process, starting with the cessation of all illegal settlement activities all the way to the implementation of PISGA.

Israel's position vis-à-vis this key issue determines the continuation or the collapse of the very process making peace possible in our area. The choice rests with Israel: either to move on the road to peace, or to continue on the road to settlement.

This proposal constitutes a new and important contribution, by the Palestinian side, to the progress of the negotiations, and we hope that the Israeli side will respond to it in a similarly positive and constructive spirit.

The Palestinian Side of the Joint Jordanian-Palestine Delegation

EXPANDED OUTLINE

PALESTINIAN INTERIM SELF-GOVERNMENT ARRANGEMENTS: CONCEPTS, PRELIMINARY MEASURES AND ELECTIONS MODALITIES

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PART ONE: CONCEPTS AND EXPANDED OUTLINE OF THE PISGA

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II. The Transitional Nature of the Interim Phase

III. Authority in the Interim Phase

IV. Powers and Responsibilities of the PISGA

I. INTRODUCTION

The immediate objective of the Palestinian-Israeli bilateral talks, as laid out in the co-sponsors' letter of invitation of October 18, 1991, is to negotiate interim self-government arrangements. These talks are conducted within the context of international legitimacy, which recognizes the right of the Palestinian people to self-determination.

The interim self-government arrangements are also intended to provide the basis for the second stage of negotiations on the permanent status of the West Bank including Jerusalem, the Gaza Strip and al-Himmah. According to United Nations Security Council resolutions 242 (1967) and 338 (1973), the Fourth Geneva Convention and the Hague Regulations, these areas are occupied territories, and Israel is a belligerent occupant. (These territories are hereafter referred to as the Occupied Palestinian Territory - OPT).

The Palestinian people have accepted to negotiate interim self-government arrangements, in a phased approach that would allow them, in the second and final phase, the free exercise of their legitimate right to self-determination. Moreover, the Palestinians in the OPT and in exile are one people, and the interim self-government arrangements should facilitate the exercise of the legitimate rights of those in exile, who will participate in the second phase of the negotiations to determine the final status of the OPT and achieve a comprehensive settlement of the Palestine question in all its aspects.

II. THE TRANSITIONAL NATURE OF THE INTERIM PHASE

According to the co-sponsors' letter of invitation, the entire negotiating process we have embarked upon, including the "negotiations along two tracks", are "based on United Nations Security Council resolutions 242 and 338". These resolutions stipulate that Israel's acquisition of the territories it occupied in the 1967 war is inadmissible, and are the basis of the principle of the exchange of territory for peace. It should be clear that

resolutions 242 and 338 must guide all phases of the negotiations. They must be fully implemented by the final stage.

The interim phase, therefore, does not constitute a regime which would be stabilized short of self-determination. It represents, on the contrary, a framework whereby Resolutions 242, 338, and international legality shall be implemented.

III. AUTHORITY IN THE INTERIM PHASE

The term "interim self-government arrangements" can only mean arrangements for an interim self-government: a central, political entity that allows the Palestinian people in the OPT to govern themselves by themselves. The Palestinians in the OPT have the right and have expressed the wish to govern themselves according to democratic principles, i.e. through free elections without external interference.

The success of the transitional process is only possible if the PISGA is vested with all the powers of a true self-governing authority. All the powers presently exercised by the military government and civil administration of the occupier should be transferred to the PISGA upon its election and inauguration.

IV. POWERS AND RESPONSIBILITIES OF THE PISGA

1. Being the representative of the Palestinian people in the OPT, the PISGA's authority is vested in it by them. Its powers and responsibilities cannot be delegated by a foreign authority. Israel was never entitled to sovereignty over the OPT, but rather has exercised certain powers as a belligerent occupant since the entry of its armed forces into the areas occupied in 1967. With the start of the interim phase, and the abolition of the Israeli military government and civil administration, Israel shall cease to enjoy all these powers, which shall be assumed by the PISGA.

2. There should be no limitations on the powers and responsibilities of the PISGA, except those which derive from its character as an interim arrangement and from the mutually agreed outcome of the peace process.

3. In order for the PISGA to exercise freely its powers and responsibilities, and be assured a peaceful and orderly transfer of all powers to it, the Israeli armed forces shall complete their withdrawal in phases to mutually-agreed specific redeployment points along the borders of the OPT by the time the PISGA is inaugurated.

4. The jurisdiction of the PISGA should extend to all of the OPT, including its land, natural resources, water, sub-soil, territorial sea, exclusive economic zone and air space. The PISGA shall exercise its jurisdiction throughout the Occupied Palestinian Territory.

5. The PISGA should have legislative powers. The transition from the state of occupation to the final status necessitates the assumption of such powers. No self-governing authority can function without having the power to enact, amend and abrogate laws.

6. The PISGA should wield executive power. It should formulate and implement its policy without any foreign control.

7. The PISGA shall determine the spheres, objectives and means of cooperation with any states, groups of states or international bodies, and shall be empowered to conclude binding cooperation agreements free of any foreign control.

8. The PISGA should administer justice through an independent judiciary, exercising sole and exclusive jurisdiction throughout the OPT.

9. The PISGA should establish a strong police force responsible for security and public order in the OPT.

10. The PISGA can request the assistance of a United Nations peace-keeping force.

11. A standing committee should be established from representatives of the five permanent members of the United Nations Security Council, the Secretary-General of the United Nations, the PISGA, Jordan, Egypt, Syria and Israel, to supervise the implementation of the self-government arrangements during the interim phase and settle disputes arising therefrom.

PART TWO: PRELIMINARIES FOR THE INTERIM PHASE

1. The conclusion of the negotiations on the interim phase and the establishment of the PISGA require implementation of a number of necessary preliminary measures and the provision of appropriate conditions for the conduct of elections.

2. The period between the commencement of the peace process on October 29, 1991 and the elections for PISGA and its subsequent inauguration on a date no later than October 29, 1992, during which these preliminary measures are to be implemented, constitutes a preliminary phase.

3. The Fourth Geneva Convention and Hague Regulations, and United Nations Security Council Resolutions 242, 338 and 726, provide the basis and principles for the implementation of the above.

4. During its prolonged occupation of the Palestinian Territory, the Israeli military government and the Israeli government have diverged increasingly since 1967 from the principles laid down in the Hague Regulations of 1907, the Fourth Geneva Convention of 1949, United Nations Security Council resolutions 242 and 338, and other international conventions and standards.

5. The Israeli authorities have introduced illegally a large number of substantial changes into the body of law applicable in the OPT, which have made possible the establishment and expansion of illegal Israeli settlements. These changes have resulted in the creation of a system approaching apartheid. The consolidation of the system undermines the short- and long-term objectives of the ongoing peace process.

6. Discriminatory and extra-territorial legislation must therefore be rescinded and the issue of new military orders, whether in the guise of primary or secondary legislation, must cease.

7. Dismantling the legal basis of this discriminatory system in the OPT is necessary for the successful transition into the interim phase and for the ultimate success of the peace process as a whole.

8. In order to establish the proper conditions for the conclusion of the interim negotiations, the exercise of the powers and responsibilities of the PISGA, and the conclusion of the second stage of negotiations on the final status of the OPT, the Israeli authorities should immediately implement the following measures with regard to land and natural resources:

   a. Cease all settlement activity, including construction of new settlements or expansion of existing ones, road construction and other infrastructural activity.

b. Cease acquisition, by any means, of land, water and other natural resources.

c. Refrain from any and all unilateral actions affecting the legal, demographic or geographic status quo in the OPT.

d. Revoke military order 291 which suspended the land registration process, thus allowing land registration to continue according to law.

e. Return all land and immovable properties seized under military order 58 on the basis of being absentee property.

9. In order to provide the proper atmosphere and conditions for the conduct of the elections and the establishment of the PISGA, the Israeli authorities should:

a. Release all Palestinian political prisoners, including administrative detainees.

b. End the practice of administrative detention.

c. Allow the return of all deportees.

d. Revoke military order no. 224 that revived the 1945 Emergency Regulations.

e. Refrain from closing educational and other public institutions, blocking economic activity, imposing curfews, or otherwise impeding the normal conduct of the daily lives of the Palestinian people in the OPT.

f. Refrain from all forms of collective punishment.

g. Lift all restrictions on Palestinian social, cultural, political and economic activity, and formally revoke all military orders that affect those areas of daily life in the OPT.

h. Provide full protection of, and free access to, religious sites.

i. Approve all pending family reunification applications.

j. Make available all public records regarding all aspects of the resources and inhabitants of the OPT.

PART THREE: ELECTIONS MODALITIES

1. The elections are intended to produce the legislative assembly of the PISGA, comprising 180 members.

2. Basic principles:

a. The provisions of the Charter of the United Nations and the Universal Declaration of Human Rights provide the universally accepted basis for the conduct of free elections.

b. The elections for the establishment of the PISGA constitute a significant step towards realizing the national and political rights of the Palestinian people in the OPT.

c. The PISGA should be the self-governing authority which represents the Palestinian people in the OPT. It should be freely elected on the basis of the universal democratic principle of "by the people, of the people, for the people".

d. All guarantees should be provided for free elections. It is necessary that elections be conducted and supervised by an international body. All measures must be taken to guarantee that Israel should not interfere in the elections in any way.

3. Purpose of the elections:

a. To enable the Palestinian people in the OPT to elect democratically accountable representatives.

b. To provide a democratic basis for the establishment of the institutions of the PISGA.

c. To give democratic legitimacy to the assumption of its powers and responsibilities by the PISGA in the OPT during the interim phase.

4. Proper conditions. The preliminary measures mentioned in Part Two of this document, including in particular an immediate halt to all settlement activities, should be implemented before the elections. Further steps must also be undertaken in order to provide the proper conditions for the conduct of the elections, as follows:

a. Withdrawal of Israeli Army units, Border Police and other military and para-military forces outside all populated areas and main communication routes.

b. Disarming of Israeli settlers, disbanding of their paramilitary formations, and guaranteeing their non-interference in the elections process.

c. The provision of international supervision (see below).

5. Full participation. In order to ensure full participation by the Palestinian people in the OPT in the elections, the Israeli authorities should guarantee full freedom of:

a. Political expression, including the end of military censorship.

b. Access to, and establishment of, all forms of audio-visual or print media.

c. Assembly.

d. Public election campaigning.

e. Political activity, including the formation of political parties.

f. Movement throughout the Occupied Palestinian Territory.

6. The various preliminary measures described above should be implemented at least three months before the elections, and by a date not later than 31 July 1992.

7. International supervision. International supervision is to be provided by the United Nations, or any other appropriate and mutually agreed international body. This international body shall provide the following:

a. Designate a high commissioner to supervise the preparations for, and conduct of, the elections. The commissioner's mandate will continue at least until the inauguration of the Palestinian interim self-governing authority.

b. Establish an international supervisory committee that, in addition to assisting the high commissioner, will arbitrate disputes arising from implementation and allocate responsibility.

c. Station United Nations or other international observers to ensure continued respect of the above-mentioned preliminary measures.

d. Station United Nations or other appropriate international or multinational forces to provide for public order during the elections.

e. There shall be free access throughout the OPT for the international media as well as foreign visitors.

8. The elections:

a. The elections shall be conducted in accordance with an electoral system endorsed by the international supervisory committee.

b. The elections shall be based on universal suffrage, and be conducted by secret ballot.

c. The elections shall take place at least one month prior to the inauguration of the PISGA, which is to take place at a date not later than 29 October 1992.

9. All Palestinians who, on June 4, 1967, were listed in the relevant official population registers in any part of the West Bank including Jerusalem, the Gaza Strip, and al-Himmah, and their descendants, have the right to vote in the elections or stand as candidates.

10. In order that all Palestinians eligible to vote can exercise that right, the Israeli military authorities should:

a. Facilitate the return of all persons displaced and/or deported since June 5, 1967 and their descendants.

b. Submit all relevant population records for the preparation of electoral registers.

c. Complete the above measures by a date not later than 31 July 1992, under international supervision.